

REMARKS

There is no provision in the statute, the applicable regulations or the MPEP requiring that the subheadings suggested in 37 CFR 1.77(b) should be included in the specification. Except to the extent that applicant has already provided subheadings, applicant prefers to omit subheadings.

Claims 1-3 and 27-48 stand rejected under 35 USC 112, second paragraph. Claims 1-3 and 27-48 have been replaced with new claims 49-73 and it is believed that the new claims are not open to rejection under 35 USC 112, second paragraph.

The Office's reviewing court has held that use of alternative language such as "or" in a claim does not render the claim objectionable under 35 USC 112, second paragraph. See also MPEP 2173.01. The phrase "at least one valve arrangement" covers the possibility of there being but one valve arrangement and also covers the possibility of there being more than one valve arrangement. Use in a claim that refers to "at least one valve arrangement" of "the or each" to specify the valve arrangement(s) to which a feature applies does not render the claim indefinite. In the event that the claimed structure includes only one valve arrangement, the claim calls for the feature to be applied to that valve arrangement; and in the event that the structure includes more than one valve arrangement, the claim requires that the feature be applied to each of the valve arrangements. The fact that the claim covers two possibilities does not render the claim indefinite.

Claims 1, 2, 28, 29, 33-40 and 43-48 stand rejected under 35 USC 102 over Yonezawa. The new independent claims 49 and 67 distinguish the invention over Yonezawa.

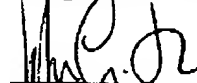
The present invention, as defined in claims 49 and 67, relates to an actuator apparatus in which a tool such as jaws 16 can be driven. The jaws 16 may act to grip a pile and drive that pile either by vibration or by impact driving. As described at page 2, second paragraph, there are a number of ways of providing driving force and the specific tool that is used will depend upon the ground into which the pile is to be driven and the nature of the pile, among other factors. Previously, driving machines specific to a particular ground type or pile type were required or a relatively complex and time consuming conversion was necessary. The present invention allows a single

actuator apparatus to provide driving force suitable for a range of different ground conditions and pile types. The various ports are arranged so that a simple axial movement of the valve arrangement(s) allows a rapid change between one predetermined sequence of interconnection of fluid ports and another sequence of interconnection as the valve arrangement rotates. In an embodiment of the invention, the two sequences can be associated with impact and vibrational driving respectively, and in this case the invention permits the actuator apparatus to be configured selectively to provide either impact or vibrational driving force.

Yonezawa does not disclose an actuator apparatus within the meaning of the present invention. On the contrary, Yonezawa discloses a rotary clamping apparatus. Yonezawa does not disclose that the clamping apparatus has multiple modes of operation; the clamping apparatus operates to clamp the rod 9 and it has no other operation. Yonezawa does not disclose a housing member accommodating a valve means and a piston means wherein at least one of the valve means and the piston means can be removed to allow for replacement by an alternative means to execute an alternative operation.

In view of the foregoing, applicant submits that claims 49 and 67 are patentable. It follows that the dependent claims also are patentable.

Respectfully submitted,



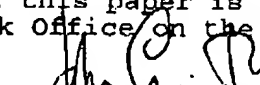
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